

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL HOUSING FINANCE AGENCY, AS  
CONSERVATOR FOR THE FEDERAL  
NATIONAL MORTGAGE ASSOCIATION  
AND THE FEDERAL HOME LOAN  
MORTGAGE CORPORATION,

Plaintiff,

-against-

NOMURA HOLDING AMERICA INC., et al.,

Defendants.

No. 11-cv-6201 (DLC)

ECF Case

**NOTICE OF MOTION TO EXCLUDE  
THE TESTIMONY OF JOHN KILPATRICK**

PLEASE TAKE NOTICE that pursuant to Federal Rules of Evidence 403 and 702, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and upon the Declaration of Phillip A. Brest, dated December 5, 2014, with attached exhibits, and the memorandum in support of this motion, defendants Nomura Holding America Inc., Nomura Asset Acceptance Corporation, Nomura Home Equity Loan, Inc., Nomura Credit & Capital, Inc., Nomura Securities International, Inc., RBS Securities Inc., David Findlay, John McCarthy, John P. Graham, Nathan Gorin and N. Dante Larocca will move this Court, before the Hon. Denise L. Cote, on a date and at a time to be determined by the Court, in Courtroom 15B of the United States Courthouse at 500 Pearl Street, New York, New York 10007, for an Order excluding the

testimony of plaintiff's designated expert John Kilpatrick at trial.

Dated: New York, New York  
December 5, 2014

Respectfully submitted,

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